



General Assembly

January Session, 2011

Raised Bill No. 365

LCO No. 225

00225_____AGE

Referred to Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17b-451 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (d) (1) Subject to subdivision (2) of this subsection, any [Any] person
5 who makes any report pursuant to sections 17b-450 to 17b-461,
6 inclusive, as amended by this act, or who testifies in any
7 administrative or judicial proceeding arising from such report shall be
8 immune from any civil or criminal liability on account of such report
9 or testimony, except for liability for perjury. [, unless such person acted
10 in bad faith or with malicious purpose.]

11 (2) A person who makes any report pursuant to sections 17b-450 to
12 17b-461, inclusive, as amended by this act, is guilty of making a
13 fraudulent or malicious report or providing false testimony when such
14 person (A) wilfully makes a fraudulent or malicious report to the
15 commissioner pursuant to the provisions of this section, (B) conspires

16 with another person to make or cause to be made such report, or (C)
17 wilfully testifies falsely in any administrative or judicial proceeding
18 arising from such report as to the abuse, neglect, exploitation or
19 abandonment of, or need of protective services for, an elderly person.
20 Making a fraudulent or malicious report or providing false testimony
21 is a class D felony.

22 Sec. 2. Subsection (a) of section 17b-452 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2011*):

25 (a) (1) Subject to subdivision (2) of this subsection, the [The]
26 commissioner, upon receiving a report that an elderly person allegedly
27 is being, or has been, abused, neglected, exploited or abandoned, or is
28 in need of protective services, shall investigate the report to determine
29 the situation relative to the condition of the elderly person and what
30 action and services, if any, are required. The investigation shall include
31 [(1)] (A) a visit to the named elderly person, [(2)] (B) consultation with
32 those individuals having knowledge of the facts of the particular case,
33 and [(3)] (C) an interview with the elderly person alone unless the
34 elderly person refuses to consent to such interview or the
35 commissioner determines that such interview is not in the best
36 interests of the elderly person. If the commissioner determines that a
37 caretaker is interfering with the commissioner's ability to conduct an
38 interview alone with the elderly person, the commissioner may bring
39 an action in the Superior Court or Probate Court seeking an order
40 enjoining such caretaker from interfering with the commissioner's
41 ability to conduct an interview alone with the elderly person. In
42 investigating a report under this subsection, the commissioner may
43 subpoena witnesses, take testimony under oath and compel the
44 production of any necessary and relevant documents necessary to
45 investigate the allegations of abuse, neglect or abandonment. The
46 commissioner may request the Attorney General to petition the
47 Superior Court for such order as may be appropriate to enforce the
48 provisions of this section. Upon completion of the investigation,

49 written findings shall be prepared which shall include recommended
50 action and a determination of whether protective services are needed.
51 The person filing the report shall be notified of the findings, upon
52 request.

53 (2) If the commissioner receives a subsequent report alleging abuse,
54 neglect, exploitation or abandonment of or the need of protective
55 services for, an elderly person who was the subject of an investigation
56 under subdivision (1) of this subsection within six months preceding
57 the making of the subsequent report and such investigation resulted in
58 a determination that protective services were not needed, the
59 commissioner shall not be required to investigate the subsequent
60 report unless the person filing the subsequent report proves by a
61 preponderance of the evidence that the elderly person (A) is being, or
62 has been, abused, neglected, exploited or abandoned, or is in need of
63 protective services, or (B) has experienced a change in caretaker, living
64 conditions or health since such investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	17b-451(d)
Sec. 2	October 1, 2011	17b-452(a)

Statement of Purpose:

To make it a class D felony to report elder abuse fraudulently or maliciously and to require a person making a report of abuse of an elderly person previously investigated by the Department of Social Services to provide evidence as to the potential abuse.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]